

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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TEAM ONE DISPLAY SERVICES, INC.,
Plaintiff(s),
v.
ARLON GRAPHICS, LLC,
Defendant(s).

Case No. 2:15-CV-1185 JCM (GWF)

ORDER

Presently before the court is defendant Arlon Graphics, LLC's ("Arlon") motion to reconsider the magistrate judge's denial of its motion for leave to exceed page limits. (ECF No. 52). Plaintiff Team One Display Services, Inc. ("Team One") has not filed a response, and the time for doing so has passed.

I. Background

Arlon filed a motion to dismiss Team One's claims for failure to state a claim or improper venue or, in the alternative, to transfer venue. (ECF No. 39). The motion is approximately fifty pages long. (*See id.*). At the time the motion was filed, briefs and points and authorities in support of a motion were limited to thirty pages by Local Rule ("LR") 7-4.¹ *See* D. Nev. R. LR 7-4. Arlon filed a motion for leave to file a brief in support of a motion in excess of the limits set by LR 7-4. (*See* ECF No. 44).

¹ The Local Rules were updated recently, effective May 1, 2016. The rule on page limitations is now found at LR 7-3, and briefs in support of a motion are limited to twenty-four pages. The version of the rule in effect at the time of the filing of this motion, however, was found at LR 7-4. That version of the ruled allowed for briefs up to thirty pages in length. The present motion will be considered under the framework of the local rules in place at the time of its filing, and all citations will comport to that version of the rules.

1 The magistrate judge assigned to this case considered and denied the motion. (*See* ECF No.
 2 50). Observing that Arlon could “easily edit and reduce its proposed motion to comply with the
 3 limitations set forth in LR 7-4,” the court found it had not shown good cause to warrant the
 4 additional twenty pages. (*Id.*) Arlon objects to the order and requests that the undersigned
 5 reconsider the motion pursuant to LR IB 3-2

6 **II. Legal Standard**

7 Magistrate judges are authorized to resolve pretrial matters subject to district court review
 8 under a “clearly erroneous or contrary to law” standard. 28 U.S.C. § 636(b)(1)(A); *see also* Fed.
 9 R. Civ. P. 72(a); LR IB 3–1(a) (“A district judge may reconsider any pretrial matter referred to a
 10 magistrate judge in a civil or criminal case pursuant to LR IB 1–3, where it has been shown that
 11 the magistrate judge's ruling is clearly erroneous or contrary to law.”). “This subsection would also
 12 enable the court to delegate some of the more administrative functions to a magistrate, such as ...
 13 assistance in the preparation of plans to achieve prompt disposition of cases in the court.” *Gomez*
 14 *v. United States*, 490 U.S. 858, 869, 109 S.Ct. 2237, 104 L.Ed.2d 923 (1989).

15 “A finding is clearly erroneous when although there is evidence to support it, the reviewing
 16 body on the entire evidence is left with the definite and firm conviction that a mistake has been
 17 committed.” *United States v. Ressam*, 593 F.3d 1095, 1118 (9th Cir.2010) (quotation omitted).
 18 “An order is contrary to law when it fails to apply or misapplies relevant statutes, case law or rules
 19 of procedure.” *Global Advanced Metals USA, Inc. v. Kemet Blue Powder Corp.*, 2012 WL
 20 3884939, at *3 (D.Nev.2012).

21 **III. Discussion**

22 Defendant argues that because the pending fifty-page motion to discuss has been fully
 23 briefed on the record, it would be in the interest of both the parties and the court for the court to
 24 adjudicate the motion. Arlon does not address the clearly erroneous or contrary to law standard
 25 described above. Accordingly, it has failed to explain to the undersigned how the magistrate
 26 judge’s determination *was* clearly erroneous or contrary to law.

27 The court finds that the magistrate judge’s decision to deny the motion was based on a
 28 careful consideration of the arguments contained in the lengthy motion and his determination that

1 the arguments do not warrant the length of the brief. Further, the court finds it is in the interest of
2 both the parties and the court for parties before the court to follow the local rules and the court's
3 orders. The motion to reconsider is therefore denied. The motion to dismiss is denied without
4 prejudice to refiling a motion that complies with the local rules, as amended May 1, 2016.

5 If defendant wishes to refile a complying motion, it is ordered to do so within seven (7)
6 days of entry of this order.

7 **IV. Conclusion**

8 Accordingly,

9 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant Arlon
10 Graphics, LLC's motion to reconsider the magistrate judge's denial of its motion for leave to
11 exceed page limits (ECF No. 52) be, and the same hereby is, DENIED.

12 IT IS FURTHER ORDERED that defendant Arlon Graphics, LLC's motion to dismiss
13 (ECF No. 39) be, and the same hereby is, DENIED without prejudice.

14 IT IS FURTHER ORDERED that defendant Arlon Graphics, LLC shall file an amended
15 motion to dismiss consistent with this order, if any, within seven (7) days of entry of this order.

16 DATED June 23, 2016.

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UNITED STATES DISTRICT JUDGE